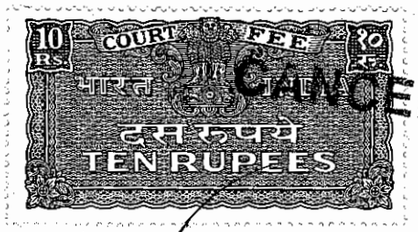
CANCELLED



CANCELLED

Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

CONTEMPT PETITION NO. 114 /2005

PETITIONER	:	Gram Panchayat, Tendu Bhata, Block: Nawagarh (Janjgir), Through its Secretary Laxman Singh, S/o. Shri Chamaru Singh,aged about 37 years, R/o. Village: Tendu Bhata, Post: Sarakhon, Tehsil: Janjgir, District: Janjgir - Champa, Chhattisgarh.

P.R. No. 9666/05
Presented by Shri Sanjay Singh
dated 27/7/05

VERSUS

RESPONDENT	:	R.Ekka, Sub Divisional Officer (Revenue), Janjgir, District: Janjgir-Champa, Chhatisgarh.

CONTEMPT PETITION UNDER ARTICE 215 OF THE CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर (35)

आदेश पत्रक

मामला क्रमांक Cont. Pet 114/05 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

03.07.2006

Shri Rajeev Shrivastava, Counsel for the petitioner.

Heard on admission.

This is a petition for initiating the proceedings of contempt against Shri R. Ekka, Sub Divisional Officer (Revenue), Janjgir, District – Janjgir-Champa (C.G)

Learned counsel for the petitioner submits that the non-applicant has committed contempt by initiating the proceedings of Panchayat Appeal No.7/A-89(15)/2004-05 and by passing an order setting aside the order of removal of Panchayat Karmi of Gram Panchayat, Tendu-Bhata namely Ramgopal Rathore. The submission is that this is a gross contempt of order dated 1/2/2005 passed in WP No.1220/2003.

The order passed in above Writ Petition perused. By the aforesaid order, this Court has quashed the order/notice (Annexure P-3) issued by the Gram Panchayat for removal of the petitioner in pursuance of the resolution of Gram Panchayat dated 8/1/2003. While quashing the aforesaid order/notice, this Court on the basis of statements made by the Counsel for both the parties that a Panchayat Appeal is still pending before the Appellate Authority regarding removal of the petitioner also passed the order in the following terms :

> "It is directed that if the appeal of the petitioner is pending before the appellate authority, the same shall be disposed of in accordance with law as early as possible preferably within a period of three months from the date of communication of this order to the said authority."

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(36)

आदेश पत्रक

मामला क्रमांक MC-114/05 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Learned counsel for the petitioner submits that no appeal was pending on the said date, therefore, this order was *nonest* for the purpose of directions contained in it. However, taking some different meaning of this order, the proceedings of Sub Divisional Officer was initiated. He also submits that he was not the Appellate Authority.

In view of the order passed by this Court and also in view of the proceedings drawn by the Sub Divisional Officer, it does not appeal to the conscious of the Court that the act of the Sub Divisional Officer can be classified in the category of contempt. It may be the case that a person may not be able to understand the correct import of the order and may go on drawing the proceedings in his own ways, but the fact remains that if there is no direction for such person and there is no command for him in a particular order, he may not be held responsible for any disobedience or contempt regarding the said order passed by the Court. There is no merit in the petition warranting even issuance of notice to the other side.

The petition has no merits and the same is dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge